

109TH CONGRESS
1ST SESSION

H. R. 2099

To establish the Arabia Mountain National Heritage Area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2005

Ms. MCKINNEY (for herself, Mr. SCOTT of Georgia, and Mr. MARSHALL) introduced the following bill; which was referred to the Committee on Resources

A BILL

To establish the Arabia Mountain National Heritage Area,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Arabia Mountain National Heritage Area Act”.

6 (b) FINDINGS.—Congress finds the following:

7 (1) The Arabia Mountain area contains a vari-
8 ety of natural, cultural, historical, scenic, and rec-
9 reational resources that together represent distinc-
10 tive aspects of the heritage of the United States that

1 are worthy of recognition, conservation, interpreta-
2 tion, and continuing use.

3 (2) The best methods for managing the re-
4 sources of the Arabia Mountain area would be
5 through partnerships between public and private en-
6 tities that combine diverse resources and active com-
7 munities.

8 (3) Davidson-Arabia Mountain Nature Pre-
9 serve, a 535-acre park in DeKalb County, Georgia—

10 (A) protects granite outcrop ecosystems,
11 wetland, and pine and oak forests; and

12 (B) includes federally-protected plant spe-
13 cies.

14 (4) Panola Mountain, a national natural land-
15 mark, located in the 860-acre Panola Mountain
16 State Conservation Park, is a rare example of a
17 pristine granite outcrop.

18 (5) The archaeological site at Miners Creek
19 Preserve along the South River contains documented
20 evidence of early human activity.

21 (6) The city of Lithonia, Georgia, and related
22 sites of Arabia Mountain and Stone Mountain pos-
23 sess sites that display the history of granite mining
24 as an industry and culture in Georgia, and the im-
25 pact of that industry on the United States.

1 (7) The community of Klondike is eligible for
2 designation as a National Historic District.

3 (8) The city of Lithonia has 2 structures listed
4 on the National Register of Historic Places.

5 (c) PURPOSES.—The purposes of this Act are as fol-
6 lows:

7 (1) To recognize, preserve, promote, interpret,
8 and make available for the benefit of the public the
9 natural, cultural, historical, scenic, and recreational
10 resources in the area that includes Arabia Mountain,
11 Panola Mountain, Miners Creek, and other signifi-
12 cant sites and communities.

13 (2) To assist the State of Georgia and the
14 counties of DeKalb, Rockdale, and Henry in the
15 State in developing and implementing an integrated
16 cultural, historical, and land resource management
17 program to protect, enhance, and interpret the sig-
18 nificant resources within the heritage area.

19 **SEC. 2. DEFINITIONS.**

20 For the purposes of this Act, the following definitions
21 apply:

22 (1) HERITAGE AREA.—The term “heritage
23 area” means the Arabia Mountain National Heritage
24 Area established by section 3.

1 (2) MANAGEMENT ENTITY.—The term “man-
2 agement entity” means the DeKalb County Parks
3 and Recreation Department or a successor of the
4 DeKalb County Parks and Recreation Department.

5 (3) MANAGEMENT PLAN.—The term “manage-
6 ment plan” means the management plan for the her-
7 itage area developed under section 5.

8 (4) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 (5) STATE.—The term “State” means the State
11 of Georgia.

12 **SEC. 3. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.**

13 (a) ESTABLISHMENT.—There is established the Ara-
14 bia Mountain National Heritage Area in the State.

15 (b) BOUNDARIES.—The heritage area shall consist of
16 certain parcels of land in the counties of DeKalb,
17 Rockdale, and Henry in the State, as generally depicted
18 on the map entitled “Arabia Mountain National Heritage
19 Area”, numbered AMNHA/80,000, and dated October,
20 2003.

21 (c) AVAILABILITY OF MAP.—The map shall be on file
22 and available for public inspection in the appropriate of-
23 fices of the National Park Service.

1 (d) MANAGEMENT ENTITY.—The Arabia Mountain
2 Heritage Area Alliance shall be the management entity for
3 the heritage area.

4 **SEC. 4. AUTHORITIES AND DUTIES OF THE MANAGEMENT**
5 **ENTITY.**

6 (a) AUTHORITIES.—For purposes of developing and
7 implementing the management plan, the management en-
8 tity may—

9 (1) make grants to, and enter into cooperative
10 agreements with, the State, political subdivisions of
11 the State, and private organizations;

12 (2) hire and compensate staff; and

13 (3) enter into contracts for goods and services.

14 (b) DUTIES.—

15 (1) MANAGEMENT PLAN.—

16 (A) IN GENERAL.—The management entity
17 shall develop and submit to the Secretary the
18 management plan.

19 (B) CONSIDERATIONS.—In developing and
20 implementing the management plan, the man-
21 agement entity shall consider the interests of
22 diverse governmental, business, and nonprofit
23 groups within the heritage area.

1 (2) PRIORITIES.—The management entity shall
2 give priority to implementing actions described in
3 the management plan, including the following:

4 (A) Assisting units of government and
5 nonprofit organizations in preserving resources
6 within the heritage area.

7 (B) Encouraging local governments to
8 adopt land use policies consistent with the man-
9 agement of the heritage area and the goals of
10 the management plan.

11 (3) PUBLIC MEETINGS.—The management enti-
12 ty shall conduct public meetings at least quarterly
13 on the implementation of the management plan.

14 (4) ANNUAL REPORT.—For any year in which
15 Federal funds have been made available under this
16 Act, the management entity shall submit to the Sec-
17 retary an annual report that describes the following:

18 (A) The accomplishments of the manage-
19 ment entity.

20 (B) The expenses and income of the man-
21 agement entity.

22 (5) AUDIT.—The management entity shall—

23 (A) make available to the Secretary for
24 audit all records relating to the expenditure of
25 Federal funds and any matching funds; and

1 (B) require, with respect to all agreements
2 authorizing expenditure of Federal funds by
3 other organizations, that the receiving organiza-
4 tions make available to the Secretary for audit
5 all records concerning the expenditure of those
6 funds.

7 (c) USE OF FEDERAL FUNDS.—

8 (1) IN GENERAL.—The management entity
9 shall not use Federal funds made available under
10 this Act to acquire real property or an interest in
11 real property.

12 (2) OTHER SOURCES.—Nothing in this Act pre-
13 cludes the management entity from using Federal
14 funds made available under other Federal laws for
15 any purpose for which the funds are authorized to
16 be used.

17 **SEC. 5. MANAGEMENT PLAN.**

18 (a) IN GENERAL.—The management entity shall de-
19 velop a management plan for the heritage area that incor-
20 porates an integrated and cooperative approach to protect,
21 interpret, and enhance the natural, cultural, historical,
22 scenic, and recreational resources of the heritage area.

23 (b) BASIS.—The management plan shall be based on
24 the preferred concept in the document entitled “Arabia

1 Mountain National Heritage Area Feasibility Study”,
2 dated February 28, 2001.

3 (c) CONSIDERATION OF OTHER PLANS AND AC-
4 TIONS.—The management plan shall—

5 (1) take into consideration State and local
6 plans; and

7 (2) involve residents, public agencies, and pri-
8 vate organizations in the heritage area.

9 (d) REQUIREMENTS.—The management plan shall
10 include the following:

11 (1) An inventory of the resources in the herit-
12 age area, including—

13 (A) a list of property in the heritage area
14 that—

15 (i) relates to the purposes of the herit-
16 age area; and

17 (ii) should be preserved, restored,
18 managed, or maintained because of the sig-
19 nificance of the property; and

20 (B) an assessment of cultural landscapes
21 within the heritage area.

22 (2) Provisions for the protection, interpretation,
23 and enjoyment of the resources of the heritage area
24 consistent with the purposes of this Act.

25 (3) An interpretation plan for the heritage area.

1 (4) A program for implementation of the man-
2 agement plan that includes—

3 (A) actions to be carried out by units of
4 government, private organizations, and public-
5 private partnerships to protect the resources of
6 the heritage area; and

7 (B) the identification of existing and po-
8 tential sources of funding for implementing the
9 plan.

10 (5) A description and evaluation of the manage-
11 ment entity, including the membership and organiza-
12 tional structure of the management entity.

13 (e) SUBMISSION TO SECRETARY FOR APPROVAL.—

14 (1) IN GENERAL.—Not later than 3 years after
15 the date of the enactment of this Act, the manage-
16 ment entity shall submit the management plan to
17 the Secretary for approval.

18 (2) EFFECT OF FAILURE TO SUBMIT.—If a
19 management plan is not submitted to the Secretary
20 by the date specified in paragraph (1), the Secretary
21 shall not provide any additional funding under this
22 Act until such date as a management plan for the
23 heritage area is submitted to the Secretary.

24 (f) APPROVAL AND DISAPPROVAL OF MANAGEMENT
25 PLAN.—

1 (1) IN GENERAL.—Not later than 90 days after
2 receiving the management plan submitted under
3 subsection (e), the Secretary, in consultation with
4 the State, shall approve or disapprove the manage-
5 ment plan.

6 (2) ACTION FOLLOWING DISAPPROVAL.—

7 (A) REVISION.—If the Secretary dis-
8 approves a management plan submitted under
9 paragraph (1), the Secretary shall—

10 (i) advise the management entity in
11 writing of the reasons for the disapproval;

12 (ii) make recommendations for revi-
13 sions to the management plan; and

14 (iii) allow the management entity to
15 submit to the Secretary revisions to the
16 management plan.

17 (B) DEADLINE FOR APPROVAL OF REVI-
18 SION.—Not later than 90 days after the date on
19 which a revision is submitted under subpara-
20 graph (A)(iii), the Secretary shall approve or
21 disapprove the revision.

22 (g) REVISION OF MANAGEMENT PLAN.—

23 (1) IN GENERAL.—After approval by the Sec-
24 retary of a management plan, the management enti-
25 ty shall periodically—

1 (A) review the management plan; and

2 (B) submit to the Secretary, for review
3 and approval by the Secretary, the rec-
4 ommendations of the management entity for
5 any revisions to the management plan that the
6 management entity considers to be appropriate.

7 (2) EXPENDITURE OF FUNDS.—No funds made
8 available under this Act shall be used to implement
9 any revision proposed by the management entity
10 under paragraph (1)(B) until the Secretary approves
11 the revision.

12 **SEC. 6. TECHNICAL AND FINANCIAL ASSISTANCE.**

13 (a) IN GENERAL.—At the request of the management
14 entity, the Secretary may provide technical and financial
15 assistance to the heritage area to develop and implement
16 the management plan.

17 (b) PRIORITY.—In providing assistance under sub-
18 section (a), the Secretary shall give priority to actions that
19 facilitate—

20 (1) the conservation of the significant natural,
21 cultural, historical, scenic, and recreational resources
22 that support the purposes of the heritage area; and

23 (2) the provision of educational, interpretive,
24 and recreational opportunities that are consistent

1 with the resources and associated values of the herit-
2 age area.

3 **SEC. 7. EFFECT ON CERTAIN AUTHORITY.**

4 (a) OCCUPATIONAL, SAFETY, CONSERVATION, AND
5 ENVIRONMENTAL REGULATION.—Nothing in this Act—

6 (1) imposes an occupational, safety, conserva-
7 tion, or environmental regulation on the heritage
8 area that is more stringent than the regulations that
9 would be applicable to the land described in section
10 3(b) but for the establishment of the heritage area
11 by section 3; or

12 (2) authorizes a Federal agency to promulgate
13 an occupational, safety, conservation, or environ-
14 mental regulation for the heritage area that is more
15 stringent than the regulations applicable to the land
16 described in section 3(b) as of the date of enactment
17 of this Act, solely as a result of the establishment
18 of the heritage area by section 3.

19 (b) LAND USE REGULATION.—Nothing in this Act—

20 (1) modifies, enlarges, or diminishes any au-
21 thority of the Federal Government or a State or
22 local government to regulate any use of land as pro-
23 vided for by law (including regulations) in existence
24 on the date of enactment of this Act; or

1 (2) grants powers of zoning or land use to the
2 management entity.

3 **SEC. 8. REQUIREMENTS FOR INCLUSION OF PRIVATE**
4 **PROPERTY.**

5 (a) NOTIFICATION AND CONSENT OF PROPERTY
6 OWNERS REQUIRED.—No privately owned property shall
7 be preserved, conserved, or promoted by the management
8 plan for the Heritage Area until the owner of that private
9 property has been notified in writing by the management
10 entity and has given written consent for such preservation,
11 conservation, or promotion to the management entity.

12 (b) LANDOWNER WITHDRAW.—Any owner of private
13 property included within the boundary of the Heritage
14 Area shall have their property immediately removed from
15 the boundary by submitting a written request to the man-
16 agement entity.

17 **SEC. 9. PRIVATE PROPERTY PROTECTION.**

18 (a) ACCESS TO PRIVATE PROPERTY.—Nothing in
19 this Act shall be construed to—

20 (1) require any private property owner to allow
21 public access (including Federal, State, or local gov-
22 ernment access) to such private property; or

23 (2) modify any provision of Federal, State, or
24 local law with regard to public access to or use of
25 private property.

1 (b) LIABILITY.—Designation of the Heritage Area
2 shall not be considered to create any liability, or to have
3 any effect on any liability under any other law, of any pri-
4 vate property owner with respect to any persons injured
5 on such private property.

6 (c) RECOGNITION OF AUTHORITY TO CONTROL LAND
7 USE.—Nothing in this Act shall be construed to modify
8 the authority of Federal, State, or local governments to
9 regulate land use.

10 (d) PARTICIPATION OF PRIVATE PROPERTY OWNERS
11 IN HERITAGE AREA.—Nothing in this Act shall be con-
12 strued to require the owner of any private property located
13 within the boundaries of the Heritage Area to participate
14 in or be associated with the Heritage Area.

15 (e) EFFECT OF ESTABLISHMENT.—The boundaries
16 designated for the Heritage Area represent the area within
17 which Federal funds appropriated for the purpose of this
18 Act may be expended. The establishment of the Heritage
19 Area and its boundaries shall not be construed to provide
20 any nonexistent regulatory authority on land use within
21 the Heritage Area or its viewshed by the Secretary, the
22 National Park Service, or the management entity.

23 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) IN GENERAL.—There is authorized to be appro-
25 priated to carry out this Act \$10,000,000, to remain avail-

1 able until expended, of which not more than \$1,000,000
2 may be used in any fiscal year.

3 (b) FEDERAL SHARE.—The Federal share of the cost
4 of any project or activity carried out using funds made
5 available under this Act shall not exceed 50 percent.

6 **SEC. 11. TERMINATION OF AUTHORITY.**

7 The authority of the Secretary to make any grant or
8 provide any assistance under this Act shall terminate on
9 September 30, 2016.

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